

IN THE FAMILY COURT OF THE COUNTY OF ST. LOUIS  
STATE OF MISSOURI

In re the Marriage of: )  
ERIC GARLAND, )  
Petitioner, ) Cause Number 15SL-DR06612-01  
and ) Division No. 32  
KATHERINE GARLAND, )  
Respondent. )  
SERVE AT: 1933 Meadowtree Lane  
Kirkwood, MO 63122

**RESPONDENT'S MOTION TO MODIFY**

Comes now Respondent **KATHERINE GARLAND** and for her Motion states:

1. On or about **July 24, 2016**, a Judgment of Dissolution of Marriage was entered in the above cause.
2. Said Judgment in part entered specific Orders regarding custody and support of the minor children **WILLIAM GARLAND**, age 9, and **ANNA GARLAND**, age 7.
3. The Parenting Plan incorporated in the Decree of Dissolution of Marriage granted the parties joint legal and joint physical custody with Mother's address as the address of the children for mailing and educational purposes.
4. Further, the Court entered a specific residential schedule and holiday schedule.
5. The parties were ordered to utilize Our Family Wizard for the purposes of communication regarding the minor children.
6. Since the entry of the Judgment of Dissolution of Marriage, substantial and continuing changes in circumstances have occurred such that the terms of the underlying Judgment, including the Parenting Plan, are unjust and inappropriate.

**EXHIBIT**  
**A**

7. Since the entry of the Decree, substantial and continuing changes have occurred, to-wit:

(a) Father will expose the children to television shows and movies which are age inappropriate, including but not limited to excessive violence and adult topics.

(b) During the summer of 2018, while Father agreed to the children participating in camps and activities, Father refused to take the children to said camps and activities resulting in the children not being able to fully participate and/or benefit from said programs.

(c) Father has been inconsistent in taking children to planned activities to which he has committed (i.e. birthday parties, Tai Kwan Do, play rehearsal).

(d) Father will refuse to allow Mother to speak with the children when the children are in his custody. If Father does allow Mother to speak with the children, he limits the children to a five minute phone call with their Mother.

(e) Father fails to participate in attendance at school activities, including refusing to participate in parent-teacher conferences with Mother.

(f) Father sends the children to school in inappropriate clothing (i.e. not sending them to school with coats in the winter).

(g) Father has refused to allow the children to attend individual counseling.

(h) The minor child **William** has difficulties with peer relations and Father's behaviors and advice to the minor child have negatively impacted his ability to make friends.

(i) Father refuses to comply with the terms of the Decree which state that the parties are to complete pick-ups and drop-offs at the other's house.

(j) Father has indicated that he is only willing to have pick-ups and drop-offs in public places.

(k) Father has taken the children out of town refusing to provide Mother with an itinerary and the required destination information.

(l) Father has failed to appear for his scheduled visitation without notice to Mother.

(m) Father has refused to take the children to pediatrician appointments if Mother indicates a plan to attend said appointments. At present, Father is now refusing Mother's request to schedule the children for their annual checkups.

(n) Father has failed to respond to Our Family Wizard messages in a reasonable timeframe which creates difficulty in making joint decisions for the children's care.

(o) Father will often wait extended periods to reply or fail to reply at all resulting in the children missing activities.

(p) Father has failed to comply with the Parenting Plan Order to utilize Our Family Wizard exclusively for communication.

(q) Father has failed to reimbursement of Mother for joint child expenses, including uncovered medical expenses, camps and before and after care.

8. Father through his counsel has requested the parties attend co-parent counseling. Father then refused to meet with Mother and the counselor.

9. In accordance with the dispute resolution procedure contained in the Parenting Plan entered on or about **July 24, 2016**, **"If the parties do not agree on the interpretation of this Parenting Plan or on a major decision, they shall submit the dispute to a mediator chosen by them for non-binding mediation."**

10. Mother has requested Father and Mother submit areas of disagreement to a mediator and Father has refused.

11. It is in the best interest of the minor children that the Parenting Plan be changed.

12. The children are not participating in any litigation in this State or any other state.

13. For the past six (6) months the children have resided with Petitioner at **1933 Meadowtree Lane, Kirkwood, Missouri 63122**, and with Respondent at **1759 Blakefield Terrace, Ballwin, Missouri 63021**.

**WHEREFORE**, Movant prays that the Court enter a revised Parenting Plan granting Respondent sole legal custody of the minor children, reducing Father's time with the children during the academic year and amending the summer schedule to ensure that the children are able to attend camps or activities, further ordering that Petitioner pay Respondent's attorney's fees in prosecuting this action, and for such further orders as the Court deems just and proper.

  
KATHERINE GARLAND

STATE OF MISSOURI     )  
                                      ) SS.  
COUNTY OF ST. LOUIS    )

Subscribed and sworn to before me by **KATHERINE GARLAND**, who is known to me to be the person who executed this instrument and who acknowledged that she executed the same as her free act and deed.

IN WITNESS WHEREOF, I have signed my name and affixed my seal on  
June 10, 2019.

  
Notary Public

My Commission Expires:  
(Seal)



KARA SKILLINGTON  
My Commission Expires  
November 13, 2019  
St. Charles County  
Commission #11266942

**KEEFE & BRODIE**

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